

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

BRENDA LERMA, INDIVIDUALLY,	§	
AS NEXT FRIEND OF J.L. AND D.L.,	§	
AND AS REPRESENTATIVE OF THE	§	
ESTATE OF LUIS LERMA; FOR AND	§	
ON BEHALF OF ALL THOSE	§	
ENTITLED TO RECOVER FOR HIS	§	CIVIL ACTION NO.
DEATH UNDER THE TEXAS	§	B12229
WRONGFUL DEATH AND	§	
SURVIVAL ACTS	§	
	§	
V.	§	JURY DEMANDED
	§	
BRIGGS & STRATTON	§	
CORPORATION and BRIGGS &	§	
STRATTON POWER PRODUCTS	§	
GROUP, LLC	§	

ORDER OF PRODUCTION

BE IT REMEMBERED, that on the ____ day of _____, 2013, came on for hearing the Motion of Briggs & Stratton Power Products Group, LLC to require the Sheriff of Cameron County to produce a certain electric drill, power cord and chain of custody document to the attorney for Briggs & Stratton Power Products Group, LLC, or his designated representative, for evidence in the case, and directing that Briggs & Stratton Power Products Group, LLC maintain the electric drill, power cord and chain of custody document in accordance with the specific direction of this Court. The parties announced to the Court that they were in agreement that the Order of Production should be entered. The Court, taking into consideration the agreement of the parties is of the

opinion that good cause exists to require production of the electric drill, power cord and chain of custody document, and accordingly, makes the following orders:

1. It is ORDERED that the Sheriff of Cameron County, by his designated representative, produce the electric drill and cord and a copy of the chain of custody document to the attorney for Briggs & Stratton Power Products Group, LLC:

Michael G. Terry
HARTLINE DACUS BARGER DREYER LLP
800 N. Shoreline Blvd., Suite 2000 North
Corpus Christi, Texas 78401

or the attorney's designated representative, upon presentation to the Sheriff's designated representative.

2. It is further ORDERED that the attorney for Briggs & Stratton Power Products Group, LLC shall retain possession and custody of the electric drill, power cord and chain of custody document, in accordance with the following specific requirements:

- A. The attorney for Briggs & Stratton Power Products Group, LLC shall retain custody of the electric drill, power cord and chain of custody document for the duration of this case; that is until the case is finally concluded, to include the prosecution of any appeal; provided, however, that custody of the evidence is subject to further order of this Court or unless the Sheriff's Department requests in writing that the electric drill and power cord be returned to the Sheriff of Cameron County, which written request is to be

complied with.

- B. The attorney for Briggs & Stratton Power Products Group, LLC shall make the electric drill and its power cord available at any deposition or hearing, as requested by any party, and shall make the electric drill and power cord available at the time of trial.
- C. The attorney for Briggs & Stratton Power Products Group, LLC shall make the electric drill and its power cord available to any party for the purpose of visual inspection and such testing as can be performed without powering the drill or altering its present condition (*e.g.* continuity testing); provided, however, that a chain of custody document shall be created and maintained by the attorney for Briggs & Stratton Power Products Group, LLC if the electric drill and its power cord leave the custody and control of Briggs & Stratton.
- D. Any testing of the electric drill that requires the drill to be powered, or any inspection or testing of the electric drill that requires the electric drill and power cord to be disassembled, shall be performed only in the presence of a designated representative of the parties (to include expert witnesses) unless a party waives in writing its right to be present for such testing or disassembly. For any testing or disassembly to the electric drill there shall be a written record created which identifies the time, place, and activity conducted, and shall bear the signatures of all persons in attendance.
- E. At the conclusion of the case, if the electric drill and power cord have been

admitted into evidence, Briggs & Stratton will move the Court for an order releasing the electric drill and power cord to Briggs & Stratton. At the conclusion of the case, Briggs & Stratton will first offer the electric drill and power cord to the Sheriff of Cameron County, and thereafter shall make the electric drill and power cord available to its owner:

Juan Enrique Hinojosa
28400 Bean Road
Rio Hondo, Texas

by giving him written notice that the electric drill and power cord are available and complying with his request as to disposition.

SIGNED this _____ day of _____, 2013.

JUDGE PRESIDING

AGREED:

/s/Stuart R. White w/permission_____

Stuart R. White

State Bar No. 24075268

Federal ID. No. 1144883

swhite@swbtrial.com

SICO WHITE HOELSCHER AND BRAUGH, LLP

802 N. Carancahua, Suite 900

Corpus Christi, Texas 78401

Attorney in Charge for Plaintiffs

/s/Michael G. Terry

Michael G. Terry

State Bar No. 19799800

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*Attorneys for Briggs & Stratton Power
Products Group, LLC*